

REMARKS

Claims 1-44 are pending and under consideration. Claims 12-44 are withdrawn from consideration as being directed to non-elected inventions. In the Office Action of December 7, 2004, the Examiner made the following disposition:

- A.) Objected to the drawings.
- B.) Rejected claims 1, 3, 4, 6 and 9-11 under 35 U.S.C. §102(b) as being anticipated by *Erickson*.
- C.) Rejected claims 1, 3, 6, 7 and 9-11 under 35 U.S.C. §102(b) as being anticipated by *Bizzarri*.
- D.) Rejected claims 1-3, 5, 8 and 9 under 35 U.S.C. §102(b) as being anticipated by *Boughton*.

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

A.) Objection to the drawings:

The Examiner objected to the drawings as requiring the subject matter of claims 2 and 8.

Regarding claim 2, Figure 10 is newly added and shows an illustrative friction portion that encompasses substantially all of the exterior surface of the side wall. Support for this subject matter can be found, for example, in the specification at page 6, lines 6-7. The specification has been amended to describe Figure 10.

Regarding claim 8, Applicants submit that Figure 4 depicts an embodiment wherein the illustrative friction portion 112 may be attached to the exterior surface of the side wall.

Applicants respectfully submit the objection has been overcome and request that it be withdrawn.

B.) Rejection of claims 1, 3, 4, 6 and 9-11 under 35 U.S.C. §102(b) as being anticipated by *Erickson*:

Applicants respectfully disagree with the rejection.

Claim 1, as amended, claims a container comprising a side wall having an exterior surface without chimes and with at least one friction portion effective to prevent skidding of the side wall on a surface adjacent the side wall.

This is clearly unlike *Erickson*, which teaches a container that has chimes. Referring to *Erickson* Figures 1-3, *Erickson* clearly teaches a container having chimes 14. Thus, for at least this reason, *Erickson* fails to disclose or suggest claim 1.

Claims 3, 4, 6 and 9-11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

C.) Rejection of claims 1, 3, 6, 7 and 9-11 under 35 U.S.C. §102(b) as being anticipated by *Bizzarri*:

Applicants respectfully disagree with the rejection.

Claim 1, as amended, claims a container comprising a side wall having an exterior surface without chimes and with at least one friction portion effective to prevent skidding of the side wall on a surface adjacent the side wall.

This is clearly unlike *Bizzarri*, which fails to disclose or even suggest a friction portion effective to prevent skidding of a container side wall on a surface adjacent the side wall. Referring to *Bizzarri* Figure 2, *Bizzarri* teaches a container with lobes 3. Each lobe 3 has vertical embossed inscriptions 5 formed thereon “which allows a better grip of a lobe 3.” (*Bizzarri* 2:22). As described in *Bizzarri*, “[w]hen the container is picked up by any lobe 3 being gripped by hand, the palm and fingers and thumb of the hand readily conform to the lobe shape to give a snug fit and a good grip, this grip being improved by the embossed inscriptions.” (*Bizzarri* 36-40). The inscriptions 5 are text messages that also “[ensure] that the container can only be used without deception for particular wines.” (*Bizzarri* 33-35).

Thus, unlike Applicants’ claimed friction portion that is effective to prevent skidding on a surface adjacent the side wall, *Bizzarri*’s inscriptions 5 allow a better grip in one’s hand when picking up *Bizzarri*’s container. Applicants submit that *Bizzarri*’s inscription are not effective to prevent skidding on a surface adjacent *Bizzarri*’s side wall. Instead, the inscriptions merely provide a hand grip. *Bizzarri* fails to even suggest that its inscriptions prevent skidding on an adjacent surface. In a parallel example, consider the case of a bicycle handlebar grip. Although the handlebar grip is effective to provide a grip in one’s hand, the handlebar grip is not effective to prevent skidding on an adjacent surface. *Bizzarri*’s inscription merely provides a hand grip, similar to a bicycle handlebar grip, and is not effect to prevent *skidding*.

Further, *Bizzarri's* inscriptions are located on recessed portions of *Bizzarri's* lobes 3. Therefore, the inscriptions would not contact a surface adjacent *Bizzarri's* bottle -- the lobes 3 would prevent the adjacent surface from even contacting the inscriptions. (See, *Bizzarri* Figure 1).

Thus, for at least these reasons, *Bizzarri* fails to disclose or even suggest claim 1.

Claims 3, 6, 7 and 9-11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

D.) Rejection of claims 1-3, 5, 8 and 9 under 35 U.S.C. §102(b) as being anticipated by *Boughton*:

Applicants respectfully disagree with the rejection.

Claim 1, as amended, claims a container comprising a side wall having an exterior surface without chimes and with at least one friction portion effective to prevent skidding of the side wall on a surface adjacent the side wall. The friction portion is further effective to mix contents of the container and promote heat transfer through the contents of the container when the side wall contacts and rotates against the surface adjacent the side wall without skidding.

This is clearly unlike *Boughton*, which fails to disclose or even suggest a friction portion effective to mix contents of the container and promote heat transfer through the contents of the container when the side wall contacts and rotates against the surface adjacent the side wall without skidding. Referring to *Boughton* Figure 1, *Boughton* teaches a bottle that has a hook and loop cloth fastener 20 (e.g., Velcro®) attached to its side wall. The bottle's fastener 20 *fastens* to an adjacent mount's 60 hook and loop cloth fastener 102. The hook and loop cloth fastener 20 "holds the bottle firmly nested on the mount." (*Boughton* 2:8-10).

Therefore, unlike Applicants' claimed friction portion that is effective mix contents of the container when the side wall contacts and rotates against the surface adjacent the side wall without skidding, *Boughton's* fastener 20 firmly fastens its bottle in a mount. That is, *Boughton's* fastener 20 is not effective to mix contents of its bottle when contacting an adjacent surface, because its bottle cannot rotate. Instead, *Boughton's* fastener 20 firmly fixes its bottle to an adjacent surface.

Thus, for at least these reasons, *Boughton* fails to disclose or even suggest claim 1.

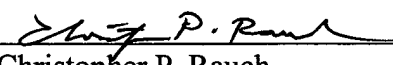
Claims 2, 3, 5, 8 and 9 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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